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Attorney Docket No.: 6213.200-US

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jensen et al.

Serial No.: 09/870,884

Group Art Unit: To be assigned

Filed: May 31, 2001

Examiner: To be assigned

For: Glucose Dependent Release Of Insulin From Glucose Sensing Insulin Derivatives

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**Commissioner for Patents  
Washington, DC 20231

Sir:

This letter is submitted in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed October 15, 2002, having a response due December 15, 2002, subject to extensions of time under the provisions of 37 CFR §1.136(a). A petition for a one (1) month extension of time to increase the period for reply to January 15, 2003, is enclosed herewith to permit timely filing of this response. A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures is attached hereto.

Applicant respectfully submits that the requirement to provide sequence listing information was erroneously applied to the above-identified patent application. The requirements for compliance with 37 C.F.R. §1.821-825 are appropriately applied to applications which disclose nucleotide and/or amino acid sequences, provided they meet the length thresholds as established in 37 C.F.R. §1.821(a). Sequences with fewer than four specifically defined nucleotides or amino acids are expressly excluded from the compliance requirements. The above-identified patent application does not disclose nucleotide and/or amino acid sequences in excess of the threshold lengths. The present application refers to human insulin by name, and to human insulin analogs having less than four amino acid substitutions. Applicant respectfully submits the sequence of human insulin has been

publicly available for decades and as such should not be considered to be "essential material" per MPEP §608.01(p), thereby relieving applicant of duty to comply with 37 C.F.R. §1.821-825.

Applicant respectfully requests reconsideration of the requirement for compliance with 37 C.F.R. §1.821-825 in the above-identified patent application.

Respectfully submitted,



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Date: January 10, 2003

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